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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

21 SURGICAL INSTRUMENT SERVICE
22 COMPANY, INC.,
Plaintiff,

V.

V.

24 INTUITIVE SURGICAL, INC.,
Defendant.

Case No. 3:21-cv-03496-AMO

**JOINT ADMINISTRATIVE
MOTION TO CONSIDER
WHETHER ANOTHER PARTY'S
MATERIAL SHOULD BE SEALED
PURSUANT TO CIVIL LOCAL
RULE 79-5(f)**

The Honorable Araceli Martínez-Olguín

NOTICE OF MOTION AND MOTION

Pursuant to Civil Local Rules 7-11 and 79-5(f), and the Court’s Order of December 11, 2024, Dkt. 329, Plaintiff Surgical Instrument Service Company, Inc. (“SIS”) and Defendant Intuitive Surgical, Inc. (“Intuitive”) (collectively, the “Parties”) hereby file this Joint Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed (“Motion to Consider”) regarding the Parties’ use at trial of exhibits and deposition testimony that non-parties have designated as “Confidential” or “Highly Confidential-AEO” under the Protective Order, Dkt. 78 (as modified by Dkt. 107) (collectively, “Non-Party Confidential Material”).

As indicated in the Parties' prior Response to the Court's Order Regarding Sealing of Testimony at Trial, Dkt. 328, counsel for the Parties conferred and agreed on a process for contacting non-parties regarding the need for sealing of any such Non-Party Confidential Material at trial. Dkt. 328. The Parties subsequently contacted counsel for each affected non-party. The following non-parties responded and indicated that they may seek to seal certain exhibits and/or deposition testimony:

- Alliance Healthcare Partners
 - Asensus Surgical
 - CMR Surgical
 - Franciscan Health
 - Restore Robotics
 - Stryker
 - Valley Medical Center

The Non-Party Confidential Material that these non-parties have indicated they may seek to seal are listed in the Proposed Order filed in conjunction with this Motion to Consider, and are attached to this Motion to Consider.

Under Local Rule 79-5(f)(2), the Parties will serve on counsel for all non-parties parties listed in the Proposed Order copies of this Motion to Consider. All affected non-parties

1 have been informed that, pursuant to the Court's Order, Dkt. 329, responses to this Motion to
2 Consider are due no later than December 20, 2024.

3
4 Dated: December 16, 2024

By: /s/ Kenneth A. Gallo
5 Kenneth A. Gallo

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20 *Attorneys for Defendant*
21 *Intuitive Surgical, Inc.*

22 Dated: December 16, 2024

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1 *Attorneys for Plaintiff Surgical Instrument
2 Service Company, Inc.*

CERTIFICATE OF SERVICE

On December 16, 2024, I caused a copy of this Joint Administrative Motion to Consider Whether Another Party's Material Should Be Sealed to be electronically filed via the Court's Electronic Case Filing System, and served via email on counsel of record for Surgical Instrument Service Company, Inc, and on non-parties Alliance Healthcare Partners' and Restore Robotics' counsel, Jeffrey Berhold, Asensus Surgical's counsel, Thomas W. Hazlett, CMR Surgical's counsel, Scott Bluni, Franciscan Health's and Valley Medical Center's counsel, Manuel J. Dominguez, Stryker's counsel, Andrea Bernard, via electronic mail.

Dated: December 16, 2024

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo

E-Filing Attestation

I, Kenneth A. Gallo, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

Dated: December 16, 2024

By: */s/ Kenneth A. Gallo*
Kenneth A. Gallo